

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

GAETANO DEVELOPMENT CORP, GATEWAY IV,  
LLC and HARTFORD FIRE INSURANCE  
COMPANY a/s/o GATEWAY IV, LLC

Plaintiffs,

Judge Rakoff

-against-

GOODMAN MANUFACTURING COMPANY, LP,  
GOODMAN COMPANY, LP and GOODMAN  
GLOBAL, INC

Case No.: 09-CV-10090

Defendants.

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GOODMAN COMPANY, LP

Third-Party Plaintiff,

-against-

TOWER MANUFACTURING CORPORATION

Third-Party Defendant.

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TOWER MANUFACTURING CORPORATION

Second Third-Party Plaintiff,

EVEREX COMMUNICATIONS, INC, PRIME  
TECHNOLOGY (GUANGZHOU), INC,  
CONNECTICUT PTAC SERVICES, LLC, and COOL  
TECH HVAC SERVICE, LLC

Second Third Party Defendants.

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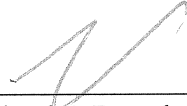
**DECLARATION OF MICHAEL J. DOUGHERTY IN SUPPORT OF PRIME TECHNOLOGY  
(GUANGZHOU) INC.'S REPLY TO TOWER'S ANSWER TO PRIME'S  
MOTION FOR SUMMARY JUDGMENT**

1. I am the attorney for Prime Technology (Guangzhou) Inc., ("Prime"), the second third party Defendant in the above-captioned matter. I am fully familiar with the facts and circumstances

set forth herein based upon my personal, first hand knowledge. I submit this affidavit in support of Prime's motion for summary judgment.

2. This declaration is submitted in support of Prime's reply to Tower's answer to Prime's motion for summary judgment.
3. Tower has improperly relied upon and attached to its answer to Prime's motion for summary judgment the report of Andrew Neuhalfen, Ph.D. During a conference call with this Honorable Court occurring on or around February 10, 2011 counsel for Tower indicated that it would not rely upon the report of Andrew Neuhalfen in reference to any of the summary judgment filings in this regard. Despite those assurances, Tower has now attached that report to its answer to Prime's motion for summary judgment.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge, information and/or belief.



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